

REMARKS

Claims 1-8, 10-12 and 14-39 are presented for examination. Claims 1, 23, 33, 37 and 39 are independent. Claims 9 and 13 are hereby canceled without prejudice and disclaimer to the claimed subject matter. Claims 1, 19, 23, 33, 37 and 39 are hereby amended. No new matter has been added. Reconsideration and further examination are respectfully requested.

A Request for Continued Examination is submitted herewith. Prosecution in the application was closed with the pending final Office Action, so that the present Amendment is a submission under 37 C.F.R. § 1.114 (c). Further examination and favorable review are respectfully requested.

In the Office Action, the Specification was objected to for improper use of trademarks. The Specification has been amended, thereby obviating the objections.

In the Office Action, the Drawings were objected to for being too dark and unreadable. Applicant has supplied replacement sheets, thereby rendering the objection to the Drawings moot.

Reconsideration and withdrawal of the Drawings and Specification objections are respectfully requested.

Claims 19 rejected under 35 U.S.C. § 112, second paragraph. Applicants have amended the claim 19, thereby obviating the 35 U.S.C. § 112, second paragraph rejections. Reconsideration and withdrawal of the claim rejections is respectfully requested.

Claims 1-4, 6, 8-36 and 39 were rejected under 35 U.S.C. § 101 as directed towards non-statutory subject matter. Without conceding the correctness of these rejections, and solely to advance prosecution of the present claims, the claims have been amended, thereby obviating the claim rejections. Applicant respectfully requests reconsideration and withdrawal of the 35 U.S.C. § 101 rejections.

Claims 1-4, 6-8, 10-12, 14-16, 18-27 and 29-39 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,985,882 (Del Sesto) in view of U.S. Publication No. 2003/0050827 (Hennessey); Claims 5, 17 and 28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Del Sesto in view of Hennessey, and in

further view of U.S. Patent No. 6,772,129 (Alvarez). Reconsideration and withdrawal of the rejections are respectfully requested for at least the following reasons.

Claim 1 recites a method comprising specifying a target Gross Rating Point (GRP) for one or more lines of an Internet advertising campaign; specifying a total booked amount for the lines; apportioning the target GRP among one or more time periods of the Internet advertising campaign; apportioning the total booked amount among the time periods, wherein recognized revenue being based on the apportioned target GRP and the apportioned total booked amount; and facilitating display of the recognized revenue on a user interface.

On page 7 of the Office Action, the Examiner concedes that Del Sesto does not expressly teach the claimed subject matter of claim 1. On page 7 of the Office Action, the Examiner states, “Del Sesto does not specifically disclose the apportionment of the target GRP as in the limitations below. However, Hennessey, as shown, does:

apportioning the target GRP among one or more time periods of an Internet advertising campaign; apportioning the total booked amount among the time periods, wherein recognized revenue being based on the apportioned target GRP and the apportioned total booked amount; facilitating display of the recognized revenue on a user interface”.

Applicant respectfully traverses the contention that Hennessey cures the deficiencies of Del Sesto.

Hennessey’s method for determining demand and pricing of advertising time in the media industry differs from the claimed subject matter of claim 1, which recites, *inter alia*, apportioning the target GRP among one or more time periods of an Internet advertising campaign; apportioning the total booked amount among the time periods, wherein recognized revenue being based on the apportioned target GRP and the apportioned total booked amount. Hennessey teaches a framework and guide for a seller to price advertising time for available advertising space (avails) via customer/user generated data and market available data. Available advertising space for pending reports, requests by demand, requests by points or requests by dollars are provided via data in a grid view for pending week and pending daypart graphs. The data is displayed for each advertiser who request available advertising space. Hennessey teaches pending avails reports that represent data for requested advertising space that may have possible

business pending. Furthermore, Hennessey teaches calculating a Market CPP (cost per rating point) Tolerance report utilizing monitor data, market audited figures and Nielsen ratings to provide actual and projected views of market CPP tolerance levels. Minimum and maximum CPP's are based on demand and actual rating points.

Applicant submits that there is no disclosure of the presently claimed apportioning the target GRP among one or more time periods of an Internet advertising campaign and apportioning the total booked amount among the time periods, as part of Hennessey's described method and system for determining demand and pricing for advertising.

Applicant also submits that Hennessy's Market CPP Tolerance levels based upon demand and rating points are in stark contrast to the presently claimed recognized revenue being based on the apportioned target GRP and the apportioned total booked amount. Hennessey is silent as to apportioning the target GRP among one or more time periods of an Internet advertising campaign, and apportioning the total booked amount among the time periods, as well as silent as to recognized revenue being based upon the target GRP and total booked amount for an advertising campaign, as recited in claim 1.

Furthermore, Applicant submits that Del Sesto does not teach, suggest or disclose the claimed subject matter of claim 1. Del Sesto teaches, as referenced from the cited portion of Del Sesto: Figure 4J, from page 15 of the Office Action, displaying for viewing and editing the buyer's market budget status, which the buyer may select as a function from the display. The buyer enters desired demographics codes, gross rating point (GRP), and maximum cost per point (CPP), to arrive at a total budget to date with total amounts spent for each demographic. Applicant respectfully submits that Del Sesto's calculation of a total budget to date with total amounts spent for a demographic provides no teaching, suggestion, or disclosure of the presently claimed subject matter of claim 1, which recites, *inter alia*, apportioning the target GRP among one or more time periods of an Internet advertising campaign, and apportioning the total booked amount among the time periods, as well as silent as to recognized revenue being based upon the target GRP and total booked amount for an advertising campaign, as recited in claim 1.

Therefore, Applicant submits that Del Sesto and Hennessey, taken alone or in combination, do not teach, disclose nor suggest all of the claimed subject matter of claim

1. Thus, because Del Sesto and Hennessey do not teach or suggest the above claim elements, it is respectfully submitted that claim 1 is patentable over Del Sesto and Hennessey, and Applicant respectfully requests that the Examiner withdraw the rejection. Moreover, it is respectfully submitted that even if the combination of references yielded all of the claim elements, which it does not, the alleged reasoning for the combination of Del Sesto and Hennessey is insufficiently presented. Nor could Del Sesto and Hennessey, alone or in combination with any reference of record render Claim 1 obvious, as no such combination would yield all of the elements in the presently recited claims.

For at least the foregoing reasons, Claim 1 and the claims that depend from claim 1 are believed to be in condition for allowance. In addition, for at least the same reasons stated above with respect to claim 1, independent Claims 23, 33, 37 and 39 are also believed to be in condition for allowance, and accordingly, the claims that depend from Claims 23, 33, 37 and 39 are also believed to be in condition for allowance.

Claims 5, 17 and 28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Del Sesto in view of Hennessey, and in further view of Alvarez. It is respectfully submitted that the features described above with respect to Claims 1, 23, 33, 37 and 39, from which Claims 5, 17 and 28 depend, respectively, are applicable to these claims as well, and that Alvarez does not remedy these deficiencies. Therefore, Applicant submits that a combination of Del Sesto, Hennessey and Alvarez would not yield all of the elements in the presently cited claims, and therefore the combination cannot form the basis of a proper obviousness rejection. Moreover, it is respectfully submitted that even if the combination of references yielded all of the claim elements, which it does not, the alleged reasoning for the combination of Del Sesto, Hennessey and Alvarez is insufficiently presented.

Having responded to all objections and rejections set forth in the outstanding Office Action, it is submitted that the currently pending claims are in condition for allowance and Notice to that effect is respectfully solicited. Additional characteristics or arguments may exist that distinguish the claims over the prior art cited by the Examiner, and Applicant respectfully preserves their right to present these in the future, should they be necessary. In the event that the Examiner is of the opinion that a brief telephone or

personal interview will facilitate allowance of one or more of the above claims, he is respectfully requested to contact Applicant's undersigned representative.

The Applicant's attorney may be reached by telephone at 212-801-9220. All correspondence should continue to be directed to the address given below, which is the address associated with Customer Number 76058.

The Commissioner is hereby authorized to charge any required fee in connection with the submission of this paper, any additional fees which may be required, now or in the future, or credit any overpayment to Account No. 50-1561. Please ensure that the Attorney Docket Number is referenced when charging any payments or credits for this case.

Respectfully submitted,

Date: November 10, 2008


James J. Woods
Reg. No. 47,184

Customer Number 76058
GREENBERG TRAURIG, LLP
Met Life Building
200 Park Avenue, 20th Floor
New York, New York 10166
Phone: (212) 801-9200
Fax: (212) 801-6400